

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Application No. 10/511,885	)	
		)	<i>Confirmation No. 4212</i>
Filed:	October 19, 2004	)	
		)	
Applicant:	Martin PURPURA et al.	)	
		)	
Title:	FUNCTIONAL FOODS	)	This Terminal Disclaimer was
	CONTAINING A	)	electronically filed on June 17, 2009
	PHOSPHOLIPID-CONTAINING	)	using the USPTO's EFS-Web.
	STABLE MATRIX	)	
		)	
Art Unit:	1615	)	
		)	
Examiner:	Snigdha MAEWALL	)	
		)	
		)	
Attorney Docket:	5942/83616	)	
		)	
Customer No.:	22242	)	

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**TERMINAL DISCLAIMER**

Sir:

Bioghurt Biogarde Gmbh & Co. KG, a Company with a place of business at Lise-Meitner Str. 34, Freising, Germany 85354, through its attorneys, represents that it is the assignee of the entire right, title and interest in and to the above-identified United States Application No. 10/511,885. Applicants further represent through their attorneys that Bioghurt Biogarde Gmbh & Co. KG is also the assignee of the entire right, title and interest in and to pending U.S. Application No. 10/511,884.

Bioghurt Biogarde Gmbh & Co. KG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of any patent granted on U.S. Application No. 10/511,884. Bioghurt Biogarde Gmbh & Co. KG hereby agrees that any patent so granted on the instant application, Application No. 10/511,885, shall be enforceable only for and during such period that it and any patent granted on U.S. Application No. 10/511,884 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Bioghurt Biogarde Gmbh & Co. KG does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on U.S. Application No. 10/511,884 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any patent granted on U.S. Application No. 10/511,884 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

The Commissioner is hereby authorized to charge Deposit Account No. 06-1135 in the amount of \$140.00 to cover the fee set forth in 37 C.F.R. § 1.20(d).

Application No. 10/511,885  
TERMINAL DISCLAIMER

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: June 17, 2009



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